

10:54:04

1 there, too, that says, "Received in personnel

10:54:10

2 September 9th, 2005"?

3 A. Yes.

10:54:12

4 Q. So if -- if the evidence shows that Ms. Sansom

10:54:15

5 was the personnel director at this time at Judson ISD,

10:54:18

6 would it be fair to say that the district received this

10:54:21

7 on September 2005, September 9th, 2005?

8 A. Yes.

10:54:25

9 Q. Okay. Looks like they were receiving notice

10:54:32

10 that you had filed a complaint of discrimination;

11 correct?

10:54:36

12 A. Yes.

10:54:39

13 Q. Okay. Could I get you to turn to page 3, the

10:54:42

14 third page, which is a TWC Civil Rights Division charge

10:54:48

15 of discrimination form. Do you see that there?

16 A. Yes.

10:54:51

17 Q. Okay. All right. What I'd like to do is kind

10:55:03

18 of talk about some of the charges that are in this

10:55:07

19 lawsuit. And it seems to me in looking at some of this

10:55:11

20 documentation, that those charges stem from this --

10:55:13

21 this initial charge of discrimination. Would that be

10:55:15

22 fair to say?

23 A. Yes.

10:55:17

24 Q. Okay. And so let's look at that charge. Do

10:55:24

25 you see the information there indicating your name;

1 correct?

2 A. Yes.

3 Q. And is that your signature at the bottom?

4 A. Yes.

5 Q. Okay. Do you see the -- the paragraph there in
6 the middle there that says, "Original received
7 April 13th, 2005"?

8 A. Yes.

9 Q. Okay. Right above that is a line that says,
10 "Cause of discrimination based on" and there are some
11 boxes checked; correct?

12 A. Yes.

13 Q. And the boxes are race, sex, and retaliation?

14 A. Yes.

15 Q. And then it says, "Other: TCHR act." Do you
16 see that?

17 A. Yes.

18 Q. What other causes of discrimination were you
19 referring to when that box was checked?

20 A. I think at that time, I wasn't certain of what
21 I should be checking and I wanted to cover all bases,
22 to be honest with you.

23 Q. Okay.

24 A. In case there were others -- other -- other
25 charges or whatever, that's why I checked it.

10:57:13

1 Q. Okay. What other charges would they be?

10:57:21

2 A. I hadn't talked to an attorney and I didn't
3 know, so I wanted to be sure that I had filled in
4 everything I needed to.

10:57:24

10:57:28

10:57:29

5 Q. So at this point -- and that point would have
6 been April 13th, 2005 -- you had not talked to an
7 attorney; is that correct?

10:57:33

10:57:38

10:57:39

8 A. I had talked to an attorney with Texas State
9 Teachers Association, I think, first part of April of
10 that year.

10:57:43

10:57:53

10:57:55

11 Q. Okay. And did that -- do you remember that
12 attorney's name?

10:57:57

10:57:59

13 A. His last name is Shirk, S-h-i-r-k.

10:58:04

10:58:10

14 Q. And did he tell you to file a charge with the
15 EEOC?

10:58:11

10:58:15

16 A. No. I -- I had done this before I talked to
17 him, I believe.

10:58:17

10:58:21

18 Q. Okay. And did you tell Mr. Shirk you had done
19 that?

10:58:23

10:58:26

10:58:31

20 A. I don't remember the exact dates. I may have
21 done this after I talked to him. I don't remember. It
22 was a matter of weeks. I don't recall if I told him I
23 had done this. He may have asked me. I may have told
24 him, but I don't recall it's been -- there's been so
25 much that's involved in this. I don't remember if I

10:58:39

10:58:41

10:58:45

10:58:48

1 told him that.

10:58:49

2 Q. Well, at this time, April 13th, 2005, you were

10:58:53

3 still employed with the district; correct?

4 A. Yes.

10:58:55

5 Q. And did you tell anybody at the district you

10:58:59

6 had filed a charge with the EEOC?

7 A. No.

10:59:03

8 Q. So nobody at the district knew?

10:59:06

9 A. Not to my knowledge.

10:59:07

10 Q. Because you didn't tell them or give them

10:59:09

11 any --

10:59:09

12 A. No.

10:59:09

13 Q. -- evidence that you had done that; correct?

10:59:11

14 A. No.

10:59:15

15 Q. All right. Let's look at the Roman numeral

10:59:18

16 number 1 there -- or, actually, let me back up. If you

10:59:23

17 look to the right of that line where the boxes are

10:59:26

18 checked, it says the date discrimination took place and

10:59:29

19 it indicates a date of 3/30/2005; correct?

10:59:35

20 A. Yes.

10:59:38

21 Q. Okay. So is it fair to say that you're

10:59:42

22 claiming that the discrimination described in this box

10:59:45

23 occurred at the earliest on or about March 30th, 2005?

10:59:54

24 A. I -- yeah, that's -- I don't -- I really don't

10:00:00

25 know. That's not the earliest date that it occurred.

11:00:04

1 I think that was the date when I received the

11:00:07

2 nonrenewal notice, but this is not the earliest date of

11:00:10

3 the discrimination.

11:00:11

4 Q. When was the earliest date of discrimination?

11:00:15

5 A. It started in 2001 or '2, especially at the end

11:00:25

6 of that school year.

11:00:26

7 Q. And it started 2001-2002 and so that was the

11:00:32

8 year Ms. Ruffin came; right?

11:00:34

9 A. Exactly.

11:00:36

10 Q. So why didn't you indicate that on this form?

11:00:40

11 A. I didn't think about it. And the person I

11:00:44

12 talked to asked me some questions and -- and that's

11:00:57

13 how -- this is the time period of the nonrenewal, I

11:01:01

14 believe. I know it started 2001 to '02.

11:01:08

15 Q. Did you report any of that discrimination in

11:01:11

16 2001? Or when I say "that discrimination," you said

11:01:13

17 that you were being discriminated against in 2001-2002?

18 A. Yes.

11:01:18

19 Q. What was happening in 2001 and 2002 that you

11:01:22

20 considered to be discrimination?

11:01:39

21 A. Ms. Ruffin did some things that were not in

11:01:45

22 line with the way of certain federal programs should be

11:01:52

23 run. And I -- I told her this. And she -- she went

11:02:00

24 forth with her plans and she went before the faculty.

11:02:04

25 She called me in and wrote a conference form regarding

11:02:10

1 that and then she --

11:02:12

2 Q. Okay. Wait, wait, wait.

11:02:13

3 A. Okay.

11:02:17

4 MS. HISEL: Could you read that back to me?

5 THE REPORTER: The answer?

6 MS. HISEL: Yes, please.

7 (Answer read by reporter.)

8 BY MS. HISEL:

11:02:45

9 Q. Okay. What certain federal programs were not

11:02:47

10 run as they should have been run?

11:02:52

11 A. The CMC program had another program added to it

11:02:56

12 and it was called ACE, the acronym ACE, A-C-E. I don't

11:03:01

13 remember what those letters stood for.

11:03:02

14 Q. What does CMC stand for?

11:03:05

15 A. CMC stands for content mastery program. The

11:03:09

16 content mastery program was set up to assist special

11:03:14

17 education students. These students would go through

11:03:19

18 what's called an ARD, admit -- I can't remember the

11:03:26

19 R -- I know the D stands for dismissal -- admit,

11:03:29

20 review, and dismissal, if I'm not mistaken. The other

11:03:36

21 program, ACE, these were students who were having

11:03:39

22 difficulties in classes and they were identified also.

11:03:43

23 You just couldn't send any student to the program --

11:03:47

24 Q. To what program?

11:03:48

25 A. -- just on a whim. ACE program. The content

11:03:51 1 mastery program was for special education students and
11:03:56 2 they had special needs. And -- and they would come to
11:04:03 3 content mastery sometimes on a daily basis. And ACE
11:04:08 4 would -- would -- was set up the same way, but ACE was
11:04:12 5 for the failing students on campus. And some of these
11:04:16 6 students also had ARDs done on them and what were
11:04:21 7 called STATS. And I do not remember any of the
11:04:26 8 wordings or words for that assessment. But, anyway, we
11:04:35 9 each had a classroom. There was a teacher and teacher
11:04:39 10 assistant in the content mastery classroom. And I was
11:04:44 11 a teacher, I had a teacher assistant in the ACE
11:04:48 12 classroom. And we were -- the classrooms was next door
11:04:50 13 to each other. When Ms. Ruffin came, she wanted to
11:04:57 14 place all the failures on campus into those classrooms.
11:05:02 15 She wanted them to have access to it. She wanted
11:05:06 16 resource students to have access to it. She wanted
11:05:10 17 co-teach students to have access to it.

11:05:11 18 Q. Why?

11:05:12 19 A. Because she wanted to cut the failure rate.
11:05:15 20 There was 1600 kids on that campus at that time and
11:05:21 21 half of them were failing, not to mention resource and
11:05:24 22 co-teach. But resource is a federal program of itself
11:05:29 23 and so is co-teach. And you cannot mix those programs.
11:05:36 24 I'll say it that way. You can't have resource students
11:05:38 25 in co-teach classrooms and vice versa. And that's what

11:05:41

1 she wanted to do. And when I told her this, she listen
2 to me, she listened to the other teacher, and the other
3 teacher assistant. And --

11:05:49

11:05:52

11:05:54

4 Q. Well, what did you tell her?

11:05:55

5 A. I told her what I -- what I just told you.

11:05:58

6 Q. You couldn't -- you can't do that?

11:06:00

7 A. That you're not supposed to do that. I told
8 her that.

11:06:02

11:06:02

9 Q. Did you say, "You're not supposed to do that
10 because"?

11:06:06

11:06:06

11 A. I told her that.

11:06:07

12 Q. Because why?

11:06:08

13 A. Because you do not mix those programs. They --
14 each program receives federal funds and you -- you just
15 don't do it in an educational environment because the
16 government does not allow that. It's against the law.

11:06:11

11:06:15

11:06:19

11:06:22

17 Q. What law?

11:06:23

18 A. I don't know the law, but I know it's against
19 the law. I can't quote the law to you, but it is
20 against the law to do that.

11:06:25

11:06:28

11:06:29

21 Q. But what law do you know of?

11:06:32

22 A. I just told you I don't know the law. But in
23 the educational arena, you do not mix programs like
24 that.

11:06:35

11:06:39

11:06:42

25 Q. According to what? I mean --